

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PARKER-HANNIFIN CORPORATION and	)	
PARKER INTANGIBLES, LLC,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 07-104 (MPT)
	)	
SEIREN CO., LTD.,	)	
	)	
Defendant.	)	

**ANSWER OF DEFENDANT SEIREN CO., LTD TO  
THE FIRST AMENDED COMPLAINT**

Defendant Seiren Co., Ltd. ("Seiren") hereby answers the First Amended Complaint of Plaintiffs Parker Hannifin Corporation and Parker Intangibles, LLC ("Parker"), as follows:

1. Seiren lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Complaint, and therefore denies the same.
2. Seiren lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Complaint, and therefore denies the same.
3. Seiren admits the allegations contained in Paragraph 3 of the Complaint.

**JURISDICTION AND VENUE**

4. Seiren admits the allegations of Paragraph 4 of the Complaint.
5. Seiren admits the allegations of Paragraph 5 of the Complaint.

**THE PATENTS**

6. Seiren admits that U.S. Patent No. 6,387,523 ("the '523 patent") issued on May 14, 2002, but denies that the '523 patent issued duly or legally. With respect to the

remaining allegations of this Paragraph, Seiren is without sufficient information to admit or deny and therefore denies the same.

7. Seiren admits that U.S. Patent No. 6,521,348 (“the '348 patent”) issued on February 18, 2003, but denies that the '348 patent issued duly or legally. With respect to the remaining allegations of this Paragraph, Seiren is without sufficient information to admit or deny and therefore denies the same.

8. Seiren admits that U.S. Patent No. 6,716,536 (“the '536 patent”) issued on April 6, 2004, but denies that the '536 patent issued duly or legally. With respect to the remaining allegations of this Paragraph, Seiren is without sufficient information to admit or deny and therefore denies the same.

9. Seiren admits that U.S. Patent No. 6,777,095 (“the '095 patent”) issued on August 17, 2004, but denies that the '095 patent issued duly or legally. With respect to the remaining allegations of this Paragraph, Seiren is without sufficient information to admit or deny and therefore denies the same.

10. Seiren admits that U.S. Patent No. 6,248,393 (“the '393 patent”) issued on June 19, 2001, but denies that the '393 patent issued duly or legally. With respect to the remaining allegations of this Paragraph, Seiren is without sufficient information to admit or deny and therefore denies the same.

#### **PATENT INFRINGEMENT**

11. Seiren denies each and every allegation of Paragraph 11 of the Complaint.

12. Seiren denies each and every allegation of Paragraph 12 of the Complaint.

## **AFFIRMATIVE DEFENSES**

### **First Affirmative Defense**

13. Seiren has not infringed any of the claims of the '523 patent, the '348 patent, the '536 patent, the '095 patent, or the '393 patent, either directly or by inducing or contributing to their infringement by others.

### **Second Affirmative Defense**

14. The '523 patent, the '348 patent, the '536 patent, the '095 patent and the '393 patent are each invalid because they fail to satisfy one or more of the conditions for patentability set forth in 35 U.S.C. §§ 101, 102, 103, and 112.

### **Third Affirmative Defense**

15. The '523 patent, the '348 patent, the '536 patent, the '095 patent and the '393 patent are invalid as a result of obviousness-type double patenting.

### **Fourth Affirmative Defense**

16. Parker is estopped by virtue of amendments and statements made during the course of prosecution of the '523 patent, the '348 patent, the '536 patent, the '095 patent, and the '393 patent from obtaining any construction of the claims of the patents that could cover any of Seiren's products and the methods by which those products are made.

### **Fifth Affirmative Defense**

17. On information and belief, Parker has failed to comply with the provisions of 35 U.S.C. § 287.

## **RESERVATION OF RIGHTS**

18. Seiren is still investigating this matter and has not yet had an opportunity to conduct any discovery, and therefore reserves the right to raise such additional defenses as may be appropriate upon further investigation and discovery.

WHEREFORE, Seiren prays as follows:

- A. That Parker take nothing by reason of its Complaint, and that judgment be entered for Seiren;
- B. That the '523 patent, the '348 patent, the '536 patent, the '095 patent and the '393 patent and each and every claim thereof be adjudged to be invalid and the Seiren be adjudged not to infringe such patent;
- C. That the Court declare this an exceptional case and award Seiren its attorneys' fees and costs pursuant to 35 U.S.C. § 285; and
- D. That the Court grant such other and further relief as it deems just and proper.

**DEMAND FOR A JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38, Seiren hereby demands a trial by jury.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Paul Saindon*

OF COUNSEL:

Scott M. Daniels  
Ken-Ichi Hattori  
Michael J. Caridi  
WESTERMAN, HATTORI, DANIELS  
& ADRIAN, LLP  
1250 Connecticut Avenue, N.W.  
Suite 700  
Washington, DC 20036  
(202) 822-1100

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Jack B. Blumenfeld (#1014)  
Julia Heaney (#3052)  
Paul Saindon (#5110)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899-1347  
(302) 658-9200  
[psaindon@mnat.com](mailto:psaindon@mnat.com)  
*Attorneys for Defendant Seiren Co., Ltd.*

August 21, 2008  
2456746

**CERTIFICATE OF SERVICE**

I hereby certify that on August 21, 2008 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to:

Rudolf E. Hutz, Esquire  
Francis DiGiovanni, Esquire  
CONNOLLY BOVE LODGE & HUTZ LLP

I further certify that I caused to be served copies of the foregoing document on August 21, 2008 upon the following in the manner indicated:

**BY E-MAIL**

Rudolf E. Hutz, Esquire  
Francis DiGiovanni, Esquire  
Connolly Bove Lodge & Hutz LLP  
The Nemours Building  
1007 N. Orange Street  
Wilmington, DE 19801

*/s/ Paul Saindon*

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Paul Saindon (#5110)